

Lewisville Police Department



Annual Response to Resistance Report 2023

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Table of Contents

<u>Contents</u>	<u>Page Number</u>
Message from the Chief of Police.....	1
Response to Resistance Definitions.....	3
Response to Resistance Data Collection.....	5
1. Response to Resistance Incidents.....	5
2. Types of Response.....	5
3. Subject Injuries.....	6
4. Community Demographics.....	6
5. Calls For Services (CFS).....	6
Response to Resistance Options.....	7
De-escalation.....	7
Non-deadly force.....	7
Deadly force.....	8
Response to Resistance (RTR) Reporting.....	9
Response to Resistance Findings.....	10
Response to Resistance Data.....	10
Breakdown of Types of Response.....	11
Community Demographics.....	12
Breakdown of Calls for Services.....	13
Recommendations.....	15

Table 1. Types of Response per Year..... 12

Table 2. Calls Resulting in RTRs per Year..... 14

Figure 1. Response to Resistance Instances per Year..... 10

Figure 2. Types of Response..... 11

Figure 3. Subject Demographics, by Sex and Race..... 12

Figure 4. Subject Demographics, by Sex and Ethnicity..... 13

Figure 5. Calls Resulting in a Response to Resistance..... 13

Message from the Chief of Police

The Lewisville Police Department (LPD) strives to provide the most effective and efficient police service while ensuring employee and community safety. Our employees undergo significant training to apply the finest skills and tactics best aimed at preserving life and protecting citizens from harm. In addition, LPD employees attend ongoing annual training to address new trends and tools that further improve the safety of our community and its citizens. Law Enforcement is a particularly dangerous occupation, and many law enforcement activities involve potential risk.

On occasion, police interaction with the community can result in the use of force to overcome resistance when making an arrest or even to prevent an escape. The LPD defines this topic as the Response to Resistance (RTR), also known as the use of force. We take every one of these RTR incidents seriously and seek to understand each one. We endeavor to be responsible with the authority that we have been granted and ensure we are reasonably and lawfully applying minimal force where lawfully and reasonably necessary.

This annual RTR report specifically seeks to identify Department trends surrounding RTR incidents. The LPD uses this annual report to suggest changes to policy, training, equipment, or supervision. The RTR report evaluates how LPD police employees react to a situation wherein force is applied. This report is completed annually, in compliance with Texas Law Enforcement Best Practices 6.10 - Annual Use of Force Report, as part of the Recognition Program.

Employees receive extensive onboarding and ongoing annual training on each force option, legal implications, local/state/federal laws, de-escalation, communication, city directives, standard operating procedures, and reporting requirements. In addition, the LPD has a robust review process for each RTR. When force is used, there are directives and standard operating procedures (SOP) that outline how an employee reports the RTR, how that RTR is reviewed by the chain of command, and how RTR is tracked for trend and training purposes.

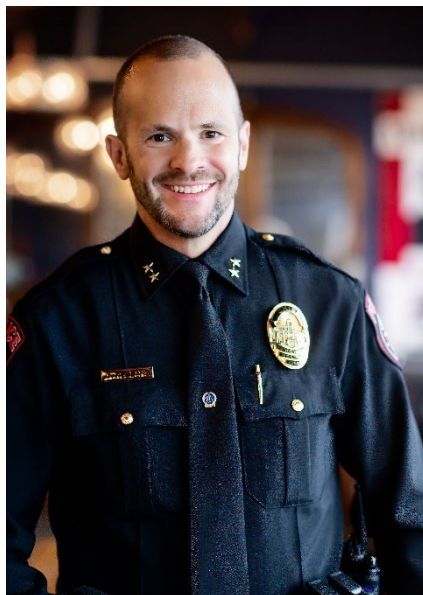
Please review this report and communicate with the LPD if you have questions or suggestions. It is my goal that the LPD be open and transparent with our data and our policing duties in our community.

Respectfully,

Brook Rollins

Chief of Police

Lewisville Police Department



Response to Resistance Definitions

Response to Resistance (RTR): Using force that is reasonably necessary to effectively bring an incident under control while protecting the lives of citizens and officers.

De-escalation: A tactic used by employees to communicate or take action verbally or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of the threat, so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

Bodily Injury: Physical pain, illness, or any impairment of physical condition.

Serious Bodily Injury: Bodily injury that creates a substantial risk of death; causes serious permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

Reasonable Belief: Facts or circumstances, which would cause an ordinary and prudent officer to act or think similarly under similar circumstances.

Non-deadly Force: Use of force that is not intended to cause serious bodily injury or death when properly used.

Deadly Force: Force applied in a manner, by any means, that could be reasonably believed to cause death or serious bodily injury.

Less-than-lethal Weapon: Also known as ***Intermediate*** weapons, they are instruments of force that are not designed to cause serious bodily injury or death, when properly used.

Oleoresin Capsicum (OC) Spray: Aerosol spray derived from pepper biodegradable resin. It is designed to cause inflammation and a burning sensation on the skin and mucous membranes. This spray can cause involuntary tearing and closing of the eyes, and coughing.

Conducted Energy Device (CED): a less-than-lethal weapon primarily designed to disrupt a subject's central nervous system by delivering electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. This interruption of normal muscle control is known as neuro-muscular incapacitation (NMI). The Lewisville Police Department utilizes a device known as ***TASER*** as its CED; therefore, all CED data and statistics in this report are referred to as ***TASER***.

Drive-stun: The action of activating a TASER to deliver electrical pulses against the body of a subject, without deploying a cartridge (probes or a projectile with barbed electrodes). The purpose is to gain compliance from the subject without incapacitating them.

Officer engagement: Describes an instance where an officer used force to control a situation. It is also described as an instance where a type of force was used to restrain or subdue a subject.

Safety Review Committee (SRC): Also known as ***Safety Review Board (SRB)***, this committee is composed of members from the Lewisville Police Department and City stakeholders. The SRC is responsible for reviewing all RTR incidents, to ensure the employees' actions were appropriate and within policy guidelines.

Response to Resistance Data Collection

All data and metrics were collected from RTR incidents documented during the 2023 calendar year. The RTR annual report analysis focuses on five major components: response to resistance incidents, types of response, subject injuries, community demographics, and calls for services that led to an RTR incident. Each of these components is defined here:

1. Response to Resistance Incidents:

Data on response to resistance incidents was collected from Axon Standards, the designated reporting system for the Department. One or more employees were associated with a single incident. Each incident may also include witnesses and/or employees listed as backup. As such, the data collection only focused on employees who used force during a response to a resistance incident. Two incidents were excluded from the final count. One was related to an accidental discharge of a Taser, and the other one involved an animal control request for assistance.

Data was collected on all employees listed in the RTR incident. In 2023, there were 80 instances of use of force involving 56 employees. The frequency of use of force per employee was collected to identify those who used force on more than one occasion. Any policy violations documented in an RTR incident were also noted. Data from 2021 and 2022 was collected from previous RTR reports to show a year-by-year analysis of the number of RTR incidents and policy violations per year.

2. Types of Response:

Data was collected on seven categories including TASER deployment, empty hand control, impact projectiles, K9 apprehensions (with and without bite), and OC Spray. An eighth category, "Other," was added to include instances when no force was used, yet subjects alleged an injury after interacting with an employee or during police's normal course of business.

3. Subject Injuries:

Information on subject injuries was collected from all RTR incidents. In prior years, the ratio of injuries per officer incident was calculated to show the percentage of subjects injured in all RTR incidents. LPD noticed that this calculation did not account for the existence of multiple officer engagements under one incident. As a result, LPD adjusted this ratio by measuring the number of injured subjects per the total number of RTR incidents.

Injuries are classified as one of three categories: *no injuries*, *minor intended effect*, and *other injuries requiring medical attention*. The “no injuries” category was comprised of all incidents where no injuries were reported for the subject. The “minor intended effect” category involved minor scuffs or abrasions caused by an employee’s response to resistance or by the subjects themselves. The “other injuries requiring medical attention” category included subjects requiring Emergency Medical Services (EMS) to treat an injury or transportation to a medical facility. This category also included subjects with a medical episode or a self-inflicted injury.

4. Community Demographics:

Demographic data was collected from each subject involved in a response to resistance incident. This data included the sex, race, and ethnicity of the subjects. No personally identifiable information (PII) was collected. Of the 56 subjects involved in all RTRs, one evaded arrest. As such, the ethnicity of that subject was reported as “Unknown.”

5. Calls for Services (CFS):

A three-step process was implemented to obtain information on calls for services. First, a case number was identified for each RTR incident. Second, a CFS number was located for each case number. Third, each call for service was checked to identify the initial call type. Some RTR incidents covered multiple categories but were classified under the initial call type received for each incident. All CFS requesting the assistance of officers at the Lewisville City Jail were classified as a “Jail Assist.”

Response to Resistance Options

De-Escalation

The LPD has a policy that requires officers to utilize de-escalation techniques or any other alternatives to force, only when it is safe for all parties and time permits an officer to do so. This policy and these tactics are specifically designed to avoid force, or continued application of force, or application of higher levels of force, if possible. De-escalation techniques may include command presence, advisements, warnings, verbal persuasion, and tactical repositioning. When time permits, and the safety of officers and other individuals is not compromised, officers should issue verbal warnings before force is applied, and give the suspect(s) time to comply with the order before using force.

Non-Deadly Force

In situations where de-escalation is not able to be used or has failed, and the person continues to resist an LPD employee's efforts to make an arrest or detention, additional force options may be evaluated. Officers shall assess which type of force (non-deadly or deadly) may be used to bring the situation under control. This force can include empty-hand control options (i.e. takedown, tackle, physical restraint), or intermediate weapons.

Officers are authorized to use non-deadly force techniques to:

- Protect themselves and others from physical harm,
- Restrain or subdue a subject resisting arrest, detention, or search,
- Gain compliance from a combative arrestee,
- Prevent a situation from escalating to an imminent death threat or serious bodily injury,
- Bring an unlawful situation safely and effectively under control.

Detention officers are authorized to use reasonable non-deadly force techniques in dealing with persons already under arrest by a police officer within Police Department property:

- To protect themselves or another from physical harm;
- To restrain or subdue a resisting prisoner;
- To bring an unlawful situation in the jail safely and effectively under control.

To achieve this, officers may use less-than-lethal (intermediate) weapons to ensure the safety of citizens and their own. These weapons must be Department approved, and officers need to be qualified and authorized to use them. Less-lethal weapons authorized by the Department include:

- Expandable baton,
- OC spray,
- Taser, and
- Impact rounds designed to be discharged by firearms.

Deadly Force

LPD police officers are authorized to use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury. Only police officers are authorized to carry and use firearms while performing their duties for the city. All employees shall comply with local, state, and federal laws relating to firearms. Police officers are authorized to display, and if necessary to protect life, discharge firearms to:

- Protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury,
- Fulfill requirements of military service of the United States or the state National Guard,
- Destroy an animal that represents an imminent threat to public safety when there is no other reasonable option to prevent the threat,
- Destroy an animal as a humanitarian measure when there are no other reasonable ways to alleviate the animal's suffering.
- Participate in range training or a lawful sporting activity.

Police officers shall not discharge firearms when it appears likely that an innocent person may be injured. Warning shots are prohibited by the Department.

Response to Resistance Reporting

All employees from the Lewisville Police Department are required to report any incident involving a response to resistance, when such employee:

- Discharge a firearm outside of the firing range, when on duty, or in a situation while off-duty, other than a lawful sporting activity or military service.
- Take an action that results in or is alleged to have resulted in any injury to a person other than an LPD employee.
- Applies force using a less-than-lethal weapon.
- Use defensive tactics or control techniques to restrain a subject.

Once an RTR incident has been reported, the employee's supervisor shall review the incident, report any findings, and forward it to the Safety Review Committee (SRC). The SRC reviews all RTR incidents to ensure the actions of the involved employee(s) were appropriate and within the Department's policy guidelines. After the SRC review is completed, the SRC Chair will forward their findings to the Assistant Chief of Police or Commander of that respective bureau. Both the SRC and Command Staff shall conduct a detailed analysis of each incident, including reviewing video evidence (body-worn camera, in-car camera), and witness accounts of the incident. If a policy violation is noted, the Command staff will review the violation and determine what course of action is most appropriate according to department and city directives.

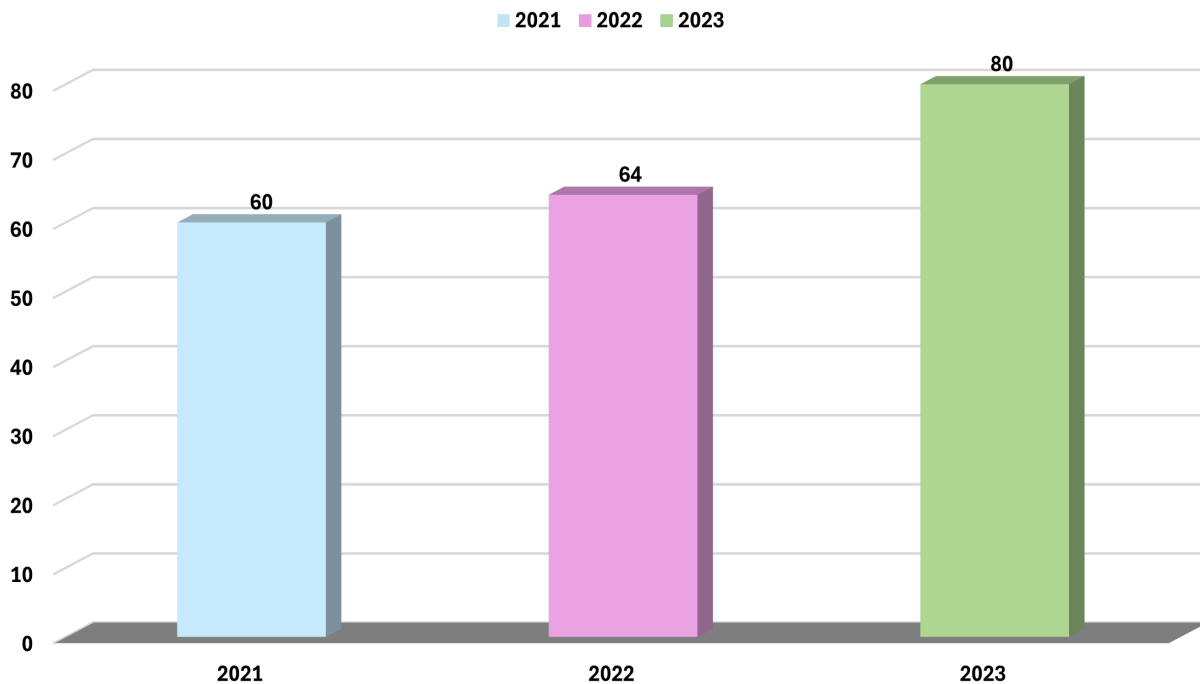
Response to Resistance Findings

Response to Resistance Data

In 2023, 56 employees utilized a form of force, which resulted in 80 instances of RTR. Of the 56 employees involved in an RTR instance, 19 reported more than one RTR instance during the year. The number of RTR instances increased by 33.3% compared to 2022.

Of the 80 instances of RTR, only two (2) resulted in minor policy violations, while the remaining 78 did not. These policy violations were noted because an officer deployed the TASER in a circumstance where a subject was running on foot, and the risk of injury from falling was greater than the need to deploy the TASER at the time. The following bar graph (Figure 1) shows a year-by-year comparison of RTR instances for the past three years.

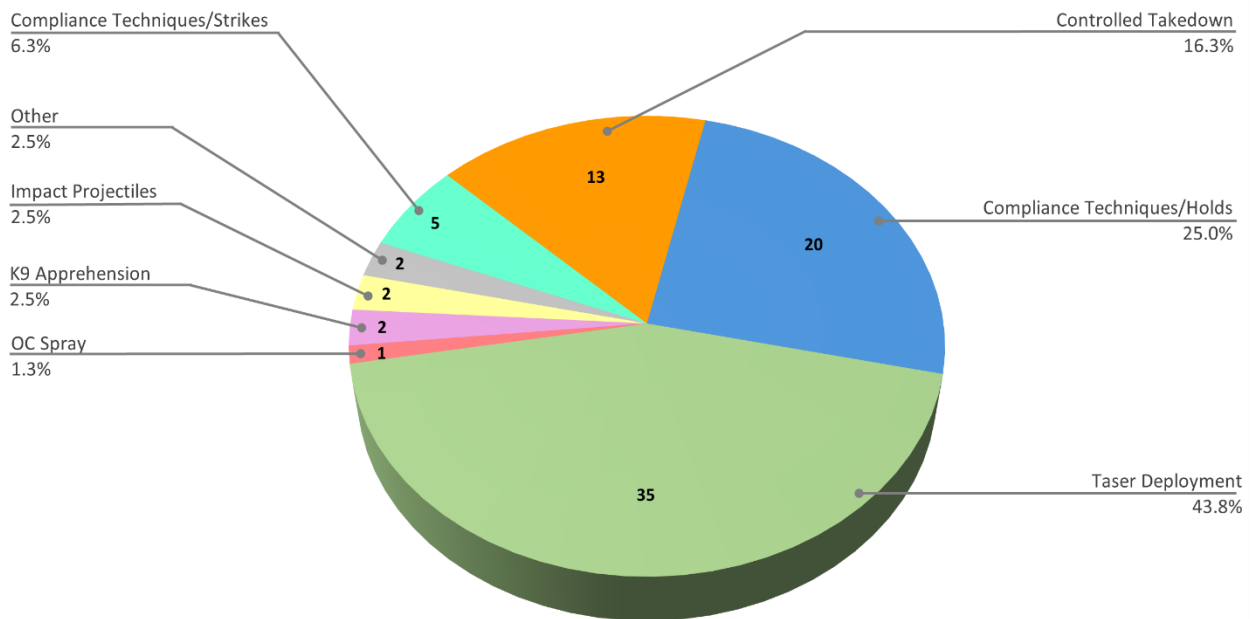
Figure 1. Response to Resistance Instances per Year



Breakdown of Types of Response

All 80 RTR incidents were reviewed by the Safety Review Committee (SRC) and Command Staff to determine if the response was in alignment with policy, training, best practices, industry standards, and relevant law. The three most common types of response in 2023 were: TASER deployment, compliance techniques/holds, and controlled takedowns. TASER deployments accounted for (43.8%) of all response types, followed by compliance techniques/holds (25%), and controlled takedowns (16.3%). The chart below (Figure 2) illustrates the total number of instances where force was applied and the percentages for each type of response.

Figure 2. Types of Response



TASER deployments decreased by 14.6% in 2023 and its frequency per encounter decreased by 20% as compared to 2022. Controlled takedowns increased by 10%, and compliance technique holds increased by 3% as compared to 2022. Subject injuries requiring medical attention were reported in 21 of 56 RTR incidents. Of all 20 subjects taken to a hospital, only 11 stayed for treatment, the rest were treated and released soon after arrival at the hospital. No excessive use of any type of response was noted. The following table (Table 1) shows a year-by-year comparison of the types of responses reported in the last three years.

Table 1. Types of Response per Year

Response Type Year	2021	2022	2023
TASER Deployment	38	41	35
Compliance Techniques/Holds	15	14	20
Controlled Takedown	0	4	13
Compliance Techniques/Strikes	4	4	5
Impact Projectiles	1	0	2
K9 Apprehension	0	0	2
OC Spray	2	1	1
Other	0	0	2
Grand Total	60	64	80

Community Demographics

In 2023, males accounted for 82.1% of all subjects involved in an RTR incident. Female subjects accounted for only 17.9% of the total. The majority of RTR incidents involved white male subjects (51.8%). Black males were involved in 26.8% of all incidents. Regarding the subject’s ethnicity, non-Hispanics accounted for 58.9% of all subjects. The following bar graphs (Figures 4 and 5) provide a breakdown of the demographics of the subjects involved in all RTR incidents.

Figure 3. Subject Demographics, by Sex and Race (2023)

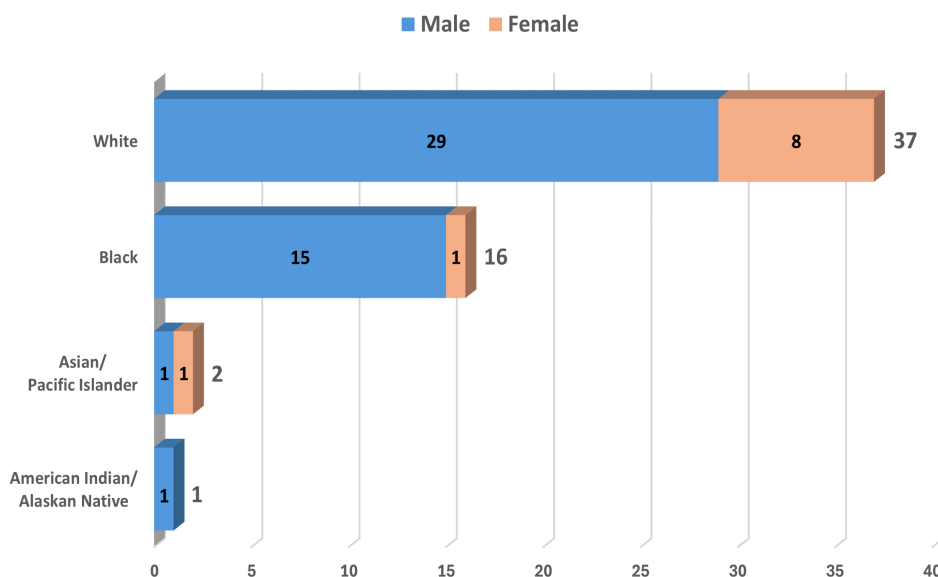
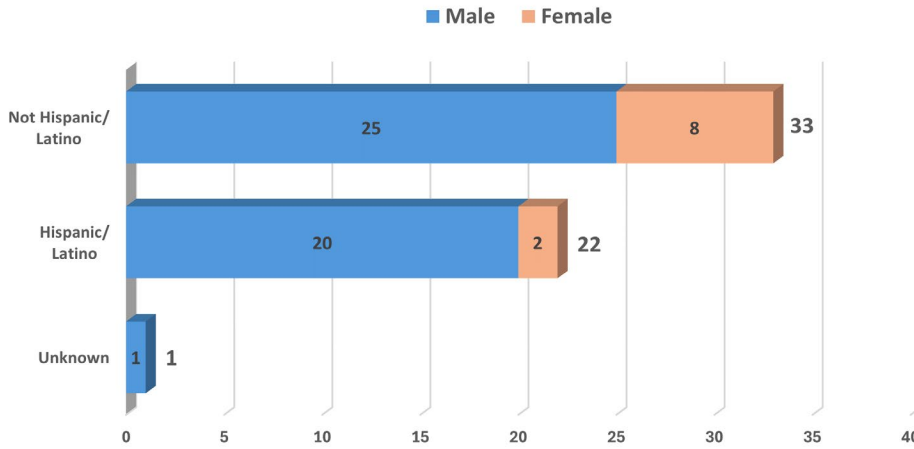


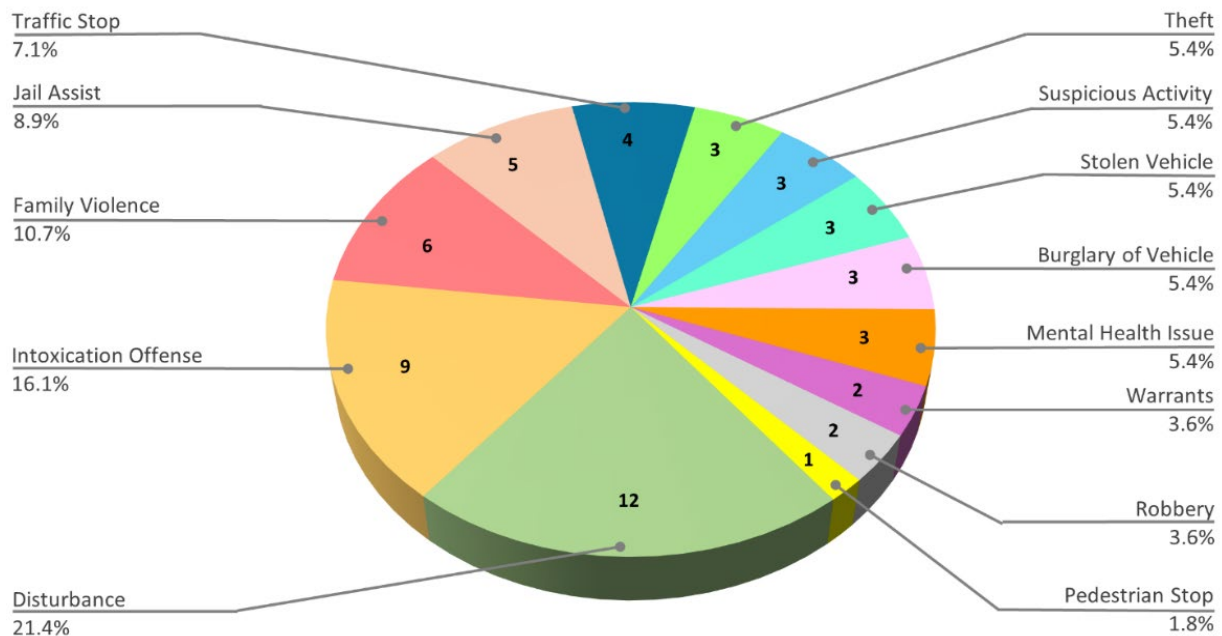
Figure 4. Subject Demographics, by Sex and Ethnicity (2023)



Breakdown of Calls for Services

Disturbance calls accounted for 21.4% of calls for services that developed into a response to resistance incidents. They were followed by calls for intoxication offenses (16.1%), family violence (10.7%), jail assists (8.9%), and traffic stops (7.1%). The following pie chart (Figure 6) illustrates the actual number of occurrences and percentages for each call type that resulted in a response to resistance in 2023.

Figure 5. Calls Resulting in a Response to Resistance



In 2023, the number of calls for services resulting in an RTR incident increased by 21.7% compared to 2022. The number of disturbance calls resulting in RTRs also increased (+7), along with calls for jail assists (+4), and intoxication offenses (+3). The number of mental health calls resulting in RTRs remained flat. The following table (Table 2) represents the number of calls for services that resulted in a response to resistance incidents in the past two calendar years.

Table 2. Calls Resulting in RTRs per Year

Call for Services Year	2022	2023
Disturbance	5	12
Intoxication Offense	6	9
Family Violence	7	6
Jail Assist	1	5
Traffic Stop	4	4
Theft	0	3
Suspicious Activity	5	3
Stolen Vehicle	3	3
Burglary of Vehicle	0	3
Mental Health Issue	3	3
Warrants	2	2
Robbery	0	2
Pedestrian Stop	0	1
Aggravated Assault	2	0
Criminal Trespass	2	0
Evading	6	0
Grand Total	46	56

Recommendations

There were no significant findings in the Response to Resistance Report from 2023 data. The LPD will continue to actively evaluate force data and consider changes or adjustments to practice and standard operating procedures from the RTR report. The following recommendations are based on the analysis of response to resistance data for the calendar year of 2023, and summary data from the two previous years (2021-2022):

- Globally adopt the conventional name of “Use of Force” instead of “Response to Resistance” as the title name of the report, and modify directives accordingly, to match the language used by the Texas Law Enforcement Agency Best Practices Recognition Program.
- Continue to compile, and store legacy records on Response to Resistance incidents from previous years.
- Continue to revise Response to Resistance policies periodically, to account for any changes in law enforcement best practices, industry standards, laws, and directives regarding the use of force.
- Continue to discuss Response to Resistance policies during annual use of force training and qualifications.